

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ELLEN EWING,

Plaintiff,

v.

THE CITY OF PHILADELPHIA, et al.,

Defendants.

CIVIL ACTION  
NO. 20-3170

**ORDER**

**AND NOW**, this 21st day of April 2021, upon consideration of Plaintiff's Amended Complaint (Doc. No. 6), Defendants' Motion to Dismiss Plaintiff's Amended Complaint (Doc. No. 8), Plaintiff's Response to the Motion (Doc. No. 10), Defendants' Reply to Plaintiff's Response to the Motion (Doc. No. 11), and in accordance with the Opinion of the Court issued this day, it is **ORDERED** as follows:

1. Defendants' Motion to Dismiss (Doc. No. 8) Count IV of the Amended Complaint (Doc. No. 6) is **GRANTED**. Count IV of the Amended Complaint is **DISMISSED** pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted.
2. Plaintiff is granted leave to file a Second Amended Complaint within twenty-one (21) days of this Order.

BY THE COURT:

/s/ Joel H. Slomsky  
JOEL H. SLOMSKY, J.